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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

RUSSELL YEAGER,

Plaintiff,

JAMES G. COX,

v.

Defendant.

Case No. 2:13-cv-01358-MMD-PAL

ORDER

(Mtn to Withdraw – Dkt. #7)

This matter is before the court on Plaintiff Russell Yeager's Motion to Withdraw Plaintiff's Application to Proceed In Forma Pauperis (Dkt. #7). Plaintiff is a former prisoner proceeding in this action pro se.

Plaintiff filed an Application to Proceed In Forma Pauperis (Dkt. #4). On April 15, 2014, the court entered an Order (Dkt. #6) advising Plaintiff that his "Notice of Appeal" (Dkt. #1), which the court construed as a complaint seeking judicial relief, did not state a claim upon which relief could be granted. The Order also informed Plaintiff that if the court granted the Application to Proceed In Forma Pauperis, pursuant to 28 U.S.C. § 1915(b)(2), as amended by the Prison Litigation Reform Act, Plaintiff would be required to pay the full filing fee even though the court would have to dismiss this case because it does not have appellate jurisdiction to review a decision by the Nevada Supreme Court. The court therefore held Plaintiff's Application in abeyance and gave Plaintiff thirty days to withdraw the Application.

Having reviewed and considered the matter,

IT IS ORDERED:

- 1. Plaintiff's Motion to Withdraw (Dkt. #7) is GRANTED.
- 2. Plaintiff's Application to Proceed In Forma Pauperis (Dkt. #4) is DEEMED WITHDRAWN.

IT IS RECOMMENDED that this case be CLOSED.

Dated this 19th day of May, 2014.

a. Tee

UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve specific written objections together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.